



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/168,644	10/08/98	CONOVER	M 2134

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EXAMINER

LEE, R

ART UNIT	PAPER NUMBER
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2613

DATE MAILED:

12/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.
09/168,644

Applicant

Conover

Examiner

Richard Lee

Group Art Unit
2613



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-5 _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5 _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 1, line 13, after "various", "a" should be deleted for clarity;

(2) claim 1, lines 15-16, the phrase "whereby decoding of the compressed video bitstream produces frames of video that do not appear to pulse visually" as claimed is unclear and indefinite;

(3) claim 2, line 2, "may be" should be changed to "is" for positive recitation;

(4) claim 2, line 3, wherein the claim claims the "MPEG-1" recommendation is indefinite because there are many versions of the MPEG-1 recommendations and the recommends are continuously updated. The scope of the claim limitations cannot change over time, and unless the specification states a specific MPEG-1 version and date or a copy of the MPEG-1 recommendation is provided, the claim is indefinite;

(5) claim 3, line 2, "may be" should be changed to "is" for positive recitation;

(6) claim 3, line 3, wherein the claim claims the "MPEG-2" recommendation is indefinite because there are many versions of the MPEG-2 recommendations and the recommends are continuously updated. The scope of the claim limitations cannot change over time, and unless the specification states a specific MPEG-2 version and date or a copy of the MPEG-2 recommendation is provided, the claim is indefinite; and

(7) claim 5, line 3, "may be" should be changed to "is" for positive recitation.

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gormish et al (5,689,589) in view of Bowater et al (5,404,446) and Davis et al (5,838,678).

Gormish et al discloses a data compression for palettized video images as shown in Figures 1-3, and substantially the same method for producing a compressed video bitstream that includes compressed video data for a plurality of frames from data that specifies a single still image as claimed in claims 1 and 4, comprising substantially the same fetching the data for the still image (i.e., 104 of Figure 1); encoding data for the still image into data for an intra frame (i.e., 108 of Figure 1 and see column 4, lines 49-65); storing the encoded I frame data (i.e., 204C of Figure 2); assembling the compressed video bitstream by appropriately combining data for at least a single copy of the stored I frame (see Figure 2); whereby decoding of the compressed video bitstream produces frames of video that do not appear to pulse visually (see 122 of Figure 1 and Figure 3); and wherein parameters employed in encoding the data for the still image produce an amount of data for the I frame that approaches, but remains less than, storage capacity of a buffer memory included in a decoder that stores the compressed video bitstream (see 204D of Figure 3).

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Gormish et al does not particularly disclose, though, the followings:

(a) assembling the compressed video bitstream by appropriately combining data for at least one null frame, and various headers required for decodability of the compressed video bitstream; wherein the null frames assembled into the compressed video bitstream also include bitstream stuffing whereby the compressed video bitstream may be transmitted at a pre-established bitrate as claimed in claims 1 and 5;

(b) the assembled compressed video bitstream may be decoded in accordance with the MPEG-1 standard; and the various headers assembled into the compressed video bitstream include a sequence header beginning the compressed video bitstream, at a beginning of group of pictures, a group start code, for each encoded frame, a picture start code, and a sequence end code ending the compressed video bitstream as claimed in claim 2; and

(c) the assembled compressed video bitstream may be decoded in accordance with the MPEG-2 standard; and the various headers assembled into the compressed video bitstream include a sequence header beginning the compressed video bitstream; for each encoded frame a picture header, and a picture coding extension; and a sequence end code ending the compressed video bitstream as claimed in claim 3.

Regarding (a) to (c), Bowater et al discloses a dual buffer video display system as shown in Figure 1, and teaches the conventional assembling of compressed video bitstream by combining null frames (see column 4, lines 11-68). In addition, Davis et al discloses a method and device for preprocessing streams of encoded data to facilitate decoding streams back to back as shown in

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Figures 2, 3A, 3B, 5, and 6, and teaches the conventional MPEG-1 and MPEG-2 standard decodings (see column 1), assembling the compressed video bitstream by appropriately combining data for headers such as sequence header, group start code, picture start code, sequence end code, picture header, and picture coding extension (see column 3, line 41 to column 4, line 16), as well as bitstream stuffings whereby the compressed video bitstream may be transmitted at a pre-established bitrate (see Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art, having the Gormish et al, Bowater et al, and Davis et al references in front of him/her and the general knowledge of MPEG specification requirements, would have had no difficulty in providing the MPEG-1 and MPEG-2 decodings with the required header data as well as including the null frames and bitstream stuffings in the compressed video bitstream as shown in the combination Bowater et al and Davis et al for the compressed video data within encoder and decoder as shown in Figures 1-3 of Gormish et al for the same well known video bit processing and standard compliance purposes as claimed.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mou discloses a scaled forward and inverse discrete cosine transform and video compression/decompression system.

Krause et al discloses a method and apparatus for implementing playback features for compressed video data.

Zhu et al discloses a minimum delay jitter smoothing device and method for packet video communications.

Schumann et al discloses a compressed video graphics system.

Kimura et al discloses a still image filing system.

De Queiroz et al discloses an encoding cost data for segmentation of compressed image sequences.

Schoner et al discloses a video decoder dynamic memory allocation system and method allowing variable decoded image size.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

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Or:

(703) 308-6306 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Richard Lee whose telephone number is (703) 308-6612.

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703) 305-9600.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

12/1/00

